



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

APPLICATION GRANTED
SO ORDERED

CRIMINAL APPEALS AND
FEDERAL HABEAS CORPUS BUREAU

11/2/23

November 1, 2023

VIA ECF


John G. Koeltl, U.S.D.J.

Judge John G. Koeltl
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Grant-Byas v. Superintendent*
1:23-cv-03628(JGK)

Your Honor:

I am an Assistant Attorney General in the office of Letitia James, Attorney General of the State of New York, attorney for respondent in the above-referenced matter. I am writing to respectfully request permission to file the state court transcripts and record and the memorandum of law under seal at an *ex parte* viewing level on ECF.

The petitioner in this case was convicted of two counts of sex trafficking. Several victims testified at trial and credibility was contested throughout trial. The trial contains repeated descriptions of the victims being abused and performing sexual activity. In addition, the record in this case contains explicit material, including pictures of the victims while undressed and in suggestive poses, which were posted to a website known as "Backpage" to facilitate prostitution.

Because of the particularly invasive nature of the crime and that New York Civil Rights Law § 50-b requires the Office of the New York State Attorney General to redact the names of sex offense victims in any document available for public inspection, respondent requests permission to file the memorandum of law, state court transcripts, and records under seal. Respondent requests to file at the *ex parte* viewing level on the ECF system. This is preferable to redacting the victims' name throughout the documents, which greatly hinders readability, particularly in a case with multiple victims. Petitioner will still receive a copy of the relevant documents with the nudity redacted.

I have not sought petitioner's consent for this request.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. McIver", written in a cursive style.

Robert McIver
Assistant Attorney General
Robert.Mciver@ag.ny.gov
(212) 416-8871

cc: (without enclosures)

Karmik Grant-Byas
16-A-2291
Fishkill Correctional Facility
12 Strack Drive
271 Mattewan Rd., P.O. Box 1245
Beacon, NY 12508

DECLARATION OF SERVICE

Robert McIver, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows: that on November 1, 2023, he mailed the attached letter to petitioner via the United States Postal Service to the following addresses:

Karmik Grant-Byas
16-A-2291
Fishkill Correctional Facility
12 Strack Drive
271 Mattewan Rd., P.O. Box 1245
Beacon, NY 12508

I declare under penalty of perjury that the foregoing is true and correct. Executed
November 1, 2023.

/s/ Robert McIver
Robert McIver
Assistant Attorney General
Robert.Mciver@ag.ny.gov